

## REMARKS

Claims 1-31 are pending in this Application, with claims 1, 10, 19, 22, 26, and 31 being independent claims.

### **I. The Figures Illustrate all of the Claimed Features:**

The drawings stand objected to under 37 C.F.R. § 1.83(a) for not illustrating every feature of the invention (i.e., a read-only memory cartridge, an Internet site, and a second hand-held electronic toy). Applicants have added new FIG. 1B, and have renumbered previously submitted FIG. 1 as FIG. 1A.

As illustrated in FIG. 1A (previously submitted FIG. 1), a read-only memory cartridge 130 is illustrated in accordance with one embodiment of the invention.

As shown in FIG. 1B, the hand-held electronic toy may receive activity information from, for example, an Internet site or another hand-held electronic toy, 140.

Applicants believe that no new matter has been added to the application by these amendments, as the amendments are fully supported by the specification as originally filed. Thus, the drawing objections have been overcome. Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

### **II. The claims are patentable over the *Berman* Patent:**

Claims 1, 2, 4, 8-11, 13, and 17-28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,760,773 to Berman et al. (hereafter “the *Berman* patent”).

Independent claim 1 recites “the first set of interactive tools associated with a drawing activity.” Independent claim 10 recites “a plurality of interactive tools having predetermined characteristics . . . the predetermined characteristics of the interactive tools includes a first set of characteristics associated with a drawing activity.” Independent claim 19 recites “the characteristics of the selected interactive tool including a drawing characteristic when a selected activity of the plurality of activities includes the drawing activity.” Independent claim 22 recites “retrieving . . . a drawing activity application . . . determining a first characteristic of an interactive

tool ... the first characteristic being associated with the retrieved drawing activity application.” Independent claim 26 recites “displaying ... [a] first selectable item being associated with a drawing activity capable of being displayed on the hand-held electronic toy ... [and] determining whether to modify a state of said characteristic of said interactive tool from said first state associated with the drawing activity to a second state.” Independent claim 31 recites “a drawing activity ... [and] a tool bar menu having a plurality of interactive tools, the plurality of interactive tools being associated with one of a first set of characteristics and a second set of characteristics, the first set of characteristics being associated with the drawing activity.”

The *Berman* patent is directed to a graphical user interface including data objects associated with “action handles.” For example, as described in the *Berman* patent with respect to FIG. 2, data objects 42a may be associated with action handles 40a. The action handles allow a user to pull up a context menu associated with the data object, allowing the user to select the desired command. *See generally* column 4. The electronic device disclosed in the *Berman* patent includes programs such as E-mail, a calculator program, an address book, a news service, a to-do list, a notebook, and a calendar. The action handle for a particular data object associated with a program may have a distinctive look to associate the action handle with the data object. *See* column 4, lines 51-54. The device disclosed in the *Berman* patent is not configured to run a drawing program, and therefore does not disclose “a first set of interactive tools associated with a drawing activity.”

Because the *Berman* patent fails to disclose or suggest a “first set of interactive tools associated with a drawing activity,” independent claim 1 is allowable over the *Berman* patent.

The *Berman* patent fails to disclose or suggest “a plurality of interactive tools having predetermined characteristics ... the predetermined characteristics of the interactive tools includes a first set of characteristics associated with a drawing activity,” as recited in independent claim 10. For at least this reason, claim 10 is allowable.

Furthermore, the *Berman* patent fails to disclose or suggest that the “characteristics of [a] selected interactive tool include[es] a drawing characteristic when a selected activity of the

plurality of activities includes the drawing activity,” as recited in independent claim 19. For at least this reason, claim 19 is allowable.

The *Berman* patent also fails to disclose or suggest a method including “retrieving ... a drawing activity application ... [and] determining a first characteristic of an interactive tool ... the first characteristic being associated with the retrieved drawing activity application,” as recited in independent claim 22. For at least this reason, claim 22 is allowable.

Furthermore, the *Berman* patent fails to disclose or suggest a method including “displaying ... [a] first selectable item being associated with a drawing activity capable of being displayed on the hand-held electronic toy ... [and] determining whether to modify a state of said characteristic of said interactive tool from said first state associated with the drawing activity to a second state,” as recited in independent claim 26. For at least this reason, claim 22 is allowable.

The *Berman* patent also fails to disclose or suggest “a drawing activity . . . [and] a tool bar menu having a plurality of interactive tools, the plurality of interactive tools being associated with one of a first set of characteristics and a second set of characteristics, the first set of characteristics being associated with the drawing activity,” as recited in independent claim 31. For at least this reason, independent claim 31 is allowable.

Claims 2-9, 11-18, 20-21, 23-25, and 27-30 are dependent on independent claims 1, 10, 19, 22, 26, and 31, and are allowable for at least this reason.

**III. Claims 3, 5-7, 12, and 14-16 are Allowable over the *Berman* Patent in View of the *Kono* Patent**

Claims 3, 5-7, 12, and 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the *Berman* patent in view of U.S. Patent No. 6,229,694 to Kono (hereafter “the *Kono* patent”).

Claims 3, 5-7, 12, and 14-16 depend from independent claims 1, 10, 19, 22, 26, or 31, which are allowable for the reasons discussed above. For at least this reason, dependent claims 3, 5-7, 12, and 14-16 are allowable.

**CONCLUSION**

All of the stated grounds of objection and rejection have been properly traversed or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

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